

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK(CENTRAL ISLIP)

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Annette Giglio  
Debtor

Hearing Time :11:30 am

September 22, 2011

CHAPTER 13

Case No.8-11-73706  
JUDGE Alan S. Trust

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**NOTICE OF MOTION FOR ORDER  
GRANTING *IN REM* RELIEF FROM AUTOMATIC STAY AND  
DISMISSING CHAPTER 13 CASE**

SIRS:

PLEASE TAKE NOTICE that Howard Poe Custom Homes, LLC(“Movant”) as the owner of 7 Gull Hill Drive, East Northport, New York by virtue of a Referee’s Deed dated May 24, 2011 seeks relief from the automatic stay so as to allow it to continue to proceed with a holdover action in the Civil Court in Suffolk County, and will move before the Honorable Alan S. Trust, United States Bankruptcy Judge in the Courtroom located at 290 Federal Plaza, Central Islip, New York in Courtroom 960 on September 22, 2011 at 11:30am , or as soon thereafter as counsel may be heard, for an Order:

1. Pursuant to , 11 U.S.C 362(d) , granting Movant, it’s successors and or/assigns relief from the automatic stay so as to allow it to proceed with a pending landlord-tenant action to be filed in the civil court in Suffolk County, New York against the former owner Robert Giglio, the debtor Annette Giglio, Susan Giglio, Nicole Giglio, John Doe and Jane Doe .
2. That under 11 U.S.C sec 362(d)(4), and provided that this order is recorded in conformity therewith, this order terminating the automatic stay under 11 U.S.C

sec 362(a) as to the Movant's interest in the property shall be binding in any other case filed under the Bankruptcy Code purporting to affect the Property that is filed not later than two years after the date of this order, such that the automatic stay under 11 U.S.C sec. 362(a) shall not apply to Movant's interest in the property.

3. Dismissing Chapter 13 case pursuant to section 362 (d)(4)(B) in that filing of this petition was part of a scheme to delay, hinder, and defraud creditors that involved multiple bankruptcy filing affecting real property.
4. Granting Movant such other and further relief as is just and proper under the circumstances of this case.

PLEASE TAKE NOTICE that answering affidavits, if any, are required to be served upon the undersigned at least 4 days before the return of this motion.

Dated August 1, 2011  
Flushing, New York

Respectfully submitted,  
/s/ Howard S. Warner

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TO:

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United States Trustee  
Long Island Federal Courthouse  
560 Federal Plaza, room 560  
Central Islip, New York 11722

All creditors